



September 8, 2015

Via Electronic Case Filing

Honorable Eric N. Vitaliano
United States District Judge
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Burke v. New York City Transit Authority, et al.
Docket No. 15 CV 1481 (ENV)(LB)

Dear Judge Vitaliano:

This office represents defendants New York City Transit Authority (“NYCT”), Kristen Nolan, and Leonard Akselrod (collectively, the “Authority Defendants”) in the above referenced action. This letter is submitted to respectfully request that NYCT’s motion to dismiss, dated June 5, 2015 (Dkt. Entry Nos. 13-18), be deemed filed on behalf of individual defendant Leonard Akselrod. The Authority Defendants made the same request for Ms. Nolan on August 26, 2015. (Dkt. Entry No. 20).

The proof of service plaintiff filed with the Court indicates that Mr. Akselrod was personally served with the Amended Summons and Complaint on August 6, 2015 (Dkt Entry No. 21). Mr. Akselrod, however, was not personally served. Rather, Mr. Akselrod found the Amended Summons and Complaint in his mailbox during the week of August 24, 2015.

Nonetheless, for the same reasons asserted in their August 26, 2015 letter (Dkt Entry No. 20), the Authority Defendants respectfully request that the motion to dismiss that was previously served on behalf of NYCT be deemed filed on behalf of Mr. Akselrod as well.

Thank you for your consideration of this request.

Respectfully submitted,



Daniel Chiu

cc: Brian Burke, *pro se* (via e-mail)
Camille Calman, Esq. (via e-mail)